

April 6, 2016

**VIA CERTIFIED MAIL**

Regional Freedom of Information Officer  
U.S. EPA, Region 7  
11201 Renner Boulevard  
Lenexa, KS 66219

**Re: Second FOIA Request  
Big River Mine Tailings Superfund Site, St. Francois County, Missouri,  
Bone Hole County Park  
Related to FOIA Request Number EPA-R7-2016-003761**

To Whom It May Concern:

Union Pacific Railroad Company ("Union Pacific") submits this second FOIA request regarding the above-referenced matter following its initial FOIA request to you dated January 28, 2016 ("First Request"). In accordance with my March 7, 2016 telephone conversation with EPA Senior Assistant Regional Counsel Julie M. Van Horn regarding this matter, Union Pacific agreed to narrow its First Request by limiting its request to those responsive documents in Environmental Protection Agency's ("EPA") Region 7's electronic site file for the Big River Mine Tailings Superfund Site ("Big River Site").

Union Pacific further agreed that EPA may respond to the First Request with a rolling response beginning on March 14, 2016, and Union Pacific confirmed that it will pay up to the estimated \$2,000.00 required to process the First Request. In turn, we understand that EPA has agreed to prioritize its response to Union Pacific to first produce any documents related to the legal description of Bone Hole County Park ("Park" or "Removal Site"), followed by any documents that relate to EPA's basis for its determination that Union Pacific may be a potentially responsible party for the Park, and then EPA will respond to the remainder of the request. Union Pacific also requested any documents that provide a legal description of the Site. However, Ms. Van Horn explained that the Site boundaries are "anywhere in St. Francois County where mine waste has come to be located." Accordingly, Ms. Van Horn advised that there are no responsive documents identifying the Site legal description.

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010-8205-1395/2/AMERICAS

We are in receipt of EPA's Interim FOIA Responses, produced to Union Pacific on March 15, 2016 and April 5, 2016.

Given Union Pacific's agreement to narrow its First Request by limiting that request to documents in EPA Region 7's electronic site file for the Big River Site Union Pacific submits this second FOIA request ("Second Request") to include additional records, record custodians, and record locations. Pursuant to the Freedom of Information Act (5 USC § 552, *et. seq.*) and the procedures specified in the Environmental Protection Agency's ("EPA") regulations (40 CFR § 2) and in accordance with the agreement reached with Ms. Horn, Union Pacific makes this Second Request and requests that EPA make available the records itemized below. The Second Request excludes the records produced or to be produced in response to the First Request.

In this Second Request, the term "records" refers to all correspondence, notes, memoranda, telephone records, photographs, permits, maps, studies, data compilations, field notes, analyses, test results, transcripts, electronic transmissions, electronic documents, including "email," or any other material responsive to this request that has been memorialized in writing or other means of data recordation, including all cover letters or transmittal notes attached to such documents (including all internal correspondence, notes, memoranda, electronic transmissions or other records and those transmitted by EPA contractors and/or subcontractors). This request for "records" specifically includes all "records" currently in the possession of EPA's contractors, subcontractors, experts, or technical assistants which EPA could obtain through a similar request to such contractors, subcontractors, experts, and technical assistants.

Union Pacific requests the following:

1. Records concerning the specific location of Bone Hole County Park, located within Parcel 50 in Desloge, Missouri, where EPA plans to conduct a removal action ("Removal Site"), including parcel maps, Global Positioning System ("GPS") coordinates and any other available geolocation data, and photo-imagery.
2. Records providing a legal or locational description of the Removal Site and the Big River Mine Tailings Superfund Site ("Big River Site").
3. Records concerning the location, nature, character, and ownership of any former railroad right-of-way ("RROW") within the Bone Hole County Park area, the Removal Site, or the Big River Site.
4. Records concerning EPA's determination that the Doe Run Resources Corporation may be a potentially responsible party ("PRP") at the Removal Site and the Big River Site.
5. Records concerning the former St. Joseph and Desloge Railroad, Consolidated Lead Co. Ry., or Desloge Consolidated Lead Company Railway ("Historic Lead Company Railroads"), including records of their former RROW and ownership.
6. Records concerning sampling locations and data of all samples that EPA has taken at the Removal Site.
7. Records concerning samples taken at the Removal Site and the Big River Site allegedly within former RROW, including sampling data and any associated GPS and other available geolocation data.

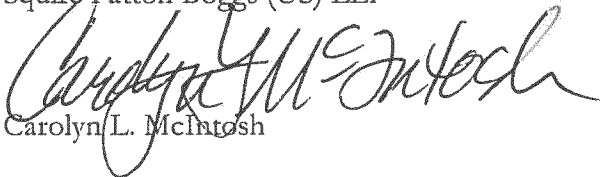
8. Records supporting that the Historic Lead Company Railroads have any legal predecessor or other relationship to Union Pacific.
9. Records concerning EPA's determination that Union Pacific may be a PRP at the Removal Site or the Big River Site.
10. Records concerning the location of Hulsey Road or Landfill Road within the Bone Hole County Park area, including the road crossing at Owl Creek.
11. Records concerning communications between EPA and ASARCO LLC, NL Industries, Inc., St. Francois County Environmental Corporation, Anschutz Mining Corporation, BNSF Railway Company, or Delta Asphalt, Inc., concerning the Removal Site or the Big River Site and RROWs or Union Pacific.
12. Records concerning sampling data in RROW provided by private parties to EPA from sampling within the Removal Site, the Big River Site, or within any of the other South Eastern Missouri mine sites that are being addressed by EPA under the Comprehensive Environmental Response, Compensation, and Liability Act, the Resource Conservation and Recovery Act, or the Federal Clean Water Act.

Union Pacific agrees to pay the reasonable costs incurred by EPA to search for, review, and produce the requested records. Union Pacific does not agree to pay any costs to upload or add these records to the Superfund Document Management System. Additionally, please review each of those documents you believe contains material that EPA may withhold. If, based on such review, you determine that only a portion of a document is exempt from FOIA's disclosure requirements, please provide the balance of each such document to Union Pacific. Finally, Union Pacific requests that EPA provide a detailed index describing each requested document or record, or portion of a document or record, that EPA is not releasing pursuant to this request.

Please send the records responsive to this Second Request to my attention at Squire Patton Boggs (US) LLP, 1801 California Street, Suite 4900, Denver, Colorado 80202. If you have any questions, please contact me at 303-894-6127. Thank you again for your assistance.

Sincerely,

Squire Patton Boggs (US) LLP



Carolyn L. McIntosh

cc: Julie M. Van Horn